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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**  
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8 MICHAEL J. GHIORZI,

9 Plaintiff,

10 v.

11 WHITEWATER POOLS AND SPAS,  
12 INC., et al.,

13 Defendants.  
14

2:10-CV-1778 JCM (PAL)

15 **ORDER**

16 Presently before the court is plaintiff Michael Ghiorzi's emergency motion to extend  
17 discovery deadlines. (Doc. #62). The discovery cut-off date is currently set at September 21, 2011.  
18 (Doc. #49). The instant motion is the second request for an extension of the discovery cut-off date.  
19 (Doc. #62).

20 The parties have scheduled depositions after the close of discovery and, therefore, ask the  
21 court to extend the discovery deadline. (Doc. #62). Plaintiff admits that he "bears the lion's share  
22 of responsibility for the parties' inability to meet the deadlines and complete discovery." (Doc. #62).  
23 Nevertheless, plaintiff asks the court to find good cause and excusable neglect and extend the  
24 discovery deadline by a further 90 days. (Doc. #62). Reportedly, defendant is amenable to the  
25 extension but could not stipulate or move any of the depositions absent an order of the court. (Doc.  
26 #62).

27 Magistrate Judge Leen stated in her May 25, 2011, order extending the discovery cut-off date  
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1 that no further extensions would be granted “absent compelling circumstances and a strong showing  
2 that the parties could not complete discovery despite the exercise of due diligence within the  
3 extended time allowed . . . .” (Doc. #49).

4 The main impetus for this emergency motion to extend time appears to be the impending  
5 depositions scheduled outside of the discovery cut-off date. (Doc. #62). The court finds this  
6 circumstance sufficiently compelling to extend the discovery cut-off date by a further 15 days.  
7 However, plaintiff moves the court for a further 90 days of discovery. (Doc. #62). This extended  
8 time frame is allegedly necessary “in light of [p]laintiff’s continued treatment and likely surgeries.”  
9 (Doc. #62). If the court were to grant the emergency motion to continue on this rather inchoate basis,  
10 the discovery cut-off date would become an ever-moving target, following the medical progress of  
11 the plaintiff. This would not clearly and expeditiously further the ends of justice.

12 Accordingly,

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff Michael Ghiorzi’s  
14 emergency motion to extend discovery deadlines, (doc. #62) be, and the same hereby is, GRANTED.  
15 The discovery cut-off date is extended by 15 days. Discovery will now close on October 6, 2011.

16 DATED September 9, 2011.

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19 **UNITED STATES DISTRICT JUDGE**